

-2-

IN THE CLAIMS:

Please cancel claims 17-21 without prejudice.

REMARKS

Applicant has studied the Office Actions dated April 19, 1999 and July 19, 1999 and has made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-16 and 22-24 are pending. Claims 17-21 have been canceled without prejudice.

Please disregard the previously-submitted "Amendment and Election" filed June 18, 1999, and instead amend the application (as originally-filed) as described herein.

In response to the restriction requirement under 35 U.S.C. § 121, Applicant provisionally elects the Group II claims (i.e., claims 1-16) drawn to a method of making semiconductor devices, with traverse. Thus, Applicant respectfully requests examination of claims 1-16.

Additionally, Applicant traverses the restriction requirement with respect to claims 22-24 and respectfully submits that these claims are not distinct from the elected species. The claims of the elected species are drawn to methods of making semiconductor devices, and claims 22-24 are product-by-process claims drawn to semiconductor devices formed using certain methods. The methods recited in claims 22-24 are similar to the methods of the elected species. Thus, the semiconductor devices of claims 22-24 cannot be made by a process that is materially different than the processes of the elected species. Therefore, Applicant respectfully requests reconsideration of the restriction requirement with respect to claims 22-24, and modification of the restriction requirement to include these claims in the elected species (i.e., Group II).

-3-

To advance the prosecution of the application, claims 17-21 have been canceled without prejudice or disclaimer. Applicant expressly reserves the right to file a divisional application with respect to these claims at a later date.

In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (954) 462-2000 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

Date: July 22, 1999

By: 

Stephen Bongini
Registration No. 40,917
Attorney for Applicant

GUNSTER, YOAKLEY,
VALDES-FAULI & STEWART, P.A.
500 East Broward Boulevard, Suite 1400
Fort Lauderdale, Florida 33394
Telephone: (954) 462-2000
Facsimile: (954) 523-1722